

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ATLANTIC SPECIALTY
INSURANCE COMPANY,

Plaintiff,

v.

PREMERA BLUE CROSS,

Defendant.

C15-1927 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed the parties' Joint Status Report, docket no. 97, the Court GRANTS the parties a period of thirty (30) days from the date of this Minute Order to attempt to resolve their remaining disputes.

(2) Within ten (10) days of the date of this Minute Order, defendant Premera Blue Cross ("Premera") shall provide plaintiff Atlantic Specialty Insurance Company ("ASIC") with an updated claim for attorneys' fees and costs pursuant to Olympic S.S. Co. v. Centennial Ins. Co., 117 Wn.2d 37, 811 P.2d 673 (1991), brought current since August 2017, including the basis for and amount of any interest it asserts is due.

(3) On or before July 16, 2020, the parties are DIRECTED to meet and confer and to file a Joint Status Report addressing the following issues:

(a) Whether the materials previously sealed in this matter may be unsealed;

(b) Whether ASIC's declaratory judgment claim relating to indemnification has been resolved and can be dismissed with prejudice; and

1 (c) Whether the parties have reached agreement concerning the amount
2 of attorneys' fees and costs to which Premera would be entitled if it prevails on
3 any appeal regarding ASIC's duty to defend and, if so, the parties shall also submit
4 a proposed form of judgment.

5 (4) If the parties do not reach agreement on all remaining issues, then on or
6 before July 30, 2020, Premera shall file any motion for (a) an award of attorneys' fees
7 and costs under Olympic Steamship; (b) judgment with respect to the duty to defend
8 and/or indemnify; and/or (c) leave to plead a bad faith claim against ASIC.

9 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of
10 record.

11 Dated this 15th day of June, 2020.

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William M. McCool
Clerk

s/Karen Dews
Deputy Clerk